

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Western Towboat Company,

*

Plaintiff,

*

IN ADMIRALTY

v.

*

C. A. 20-416-RSM

Vigor Marine, LLC,

*

Defendant.

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* * * * *

NOTICE OF CIVIL APPEAL

Notice is hereby given that Western Towboat Company appeals to the United States Court of Appeals for the Ninth Circuit from the following Orders and Judgment this case:

06/21/2021	77	ORDER RE: MOTIONS FOR SUMMARY JUDGMENT. The Court GRANTS IN PART AND DENIES IN PART 39 Vigor's motion and DENIES 42 Western's motion. Western's claim for declaratory judgment and Vigor's counterclaim for maritime negligence, to the extent it seeks prospective determinations of liability under the NMSA, are DISMISSED for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12 (h)(3); Summary judgment is DENIED
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		on parties' cross-claims for breach of contract; Summary judgment is GRANTED on Vigor's counterclaim for maritime negligence. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 06/21/2021)
06/23/2021	81	ORDER denying Plaintiff-Counterclaim Defendant Western Towboat Company's 80 Motion for Reconsideration. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 06/23/2021)
06/25/2021	90	ORDER RE: MOTIONS IN LIMINE re Plaintiff-Counterclaim Defendant Western Towboat Company's 67 Motions in Limine; re Defendant-Counterclaim Plaintiff Vigor Marine, LLC's 64 Motions in Limine; re parties' 66 Stipulated Motion in Limine. The Court hereby finds and ORDERS that the Motions in Limine (Dkts. # 67 , # 64) are GRANTED, DENIED and DEFERRED as stated in this order. Signed by Judge Ricardo S. Martinez. (PM) (Entered: 06/25/2021)
10/13/2021	108	ORDER re: Parties' Post-Trial Briefing denying Plaintiff's 99 Motion for Judgment. Signed by Judge Ricardo S. Martinez. (SB) (Entered: 10/13/2021)
12/16/2021	113	BENCH ORDER, FINDINGS OF FACT, AND CONCLUSIONS OF LAW. Defendant-Counterclaim Plaintiff Vigor Marine, LLC shall recover \$40,000.00 in damages, plus pre-judgment interest to run from 10/25/2016 until the date of this Order, and post-judgment interest to run from the date of this order until paid in full; Defendant-Counterclaim Plaintiff Vigor Marine, LLC shall submit a proposed judgment to the Court on or before 12/30/2021, consistent with the above findings of fact and conclusions of law. Signed by Judge Ricardo S. Martinez. (SB) (Entered: 12/16/2021)
01/07/2022	115	JUDGMENT BY COURT. Plaintiff Western Towboat's breach of contract claim is dismissed with prejudice.

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Defendant Vigor Marine is awarded \$40,000 in damages on its counterclaim for maritime negligence, plus pre-judgment interest in the amount of \$576.08. This judgment shall bear interest from the date of entry at the prevailing rate under 28 U.S.C. § 1981, which is 0.27% per annum from 12/16/2021. (SB) (Entered: 01/07/2022)

DATED this 4th day of March, 2022.

GASPICH LAW OFFICE PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2022, I caused the foregoing Notice of Appeal to be served through the Court's e-filing system on Vigor's counsel as follows:

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/s/ J. Stephen Simms
J. Stephen Simms

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